IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
L.P.A. No. 208/2007

Smt. Pratigyabai wd/o Pawanlal Pande and others. vs. Rajeshsingh Sheosahysingh

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Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders.

CORAM : A.P. Lavande & R.V.More,JJ
DATE : 17.10.2007

Heard Mr. Bapat, learned counsel for the appellants.

By this appeal, the appellants take exception to the order dated 8.9.2005 passed by the learned Single Judge dismissing the Writ Petition No. 3025/2005. The learned Single Judge dismissed the Writ Petition primarily on the ground that it was filed almost four years after passing of the appellate order and, therefore, the appellant was guilty of unexplained latches.

The appellants filed the above petition challenging the order dated 8.6.1995 passed by the Rent Controller and order dated 19.3.2001 passed by the Additional Collector maintaining the order passed by the Rent Controller. The learned Single Judge also relied upon the fact that the appellants were prosecuting deligently Regular Civil Appeal

No. 38/2001 during the relevant time and as such the appellants were guilty of latches in approaching the court.

Having considered the submissions made by the learned counsel for the appellants we find no perversity or illegality in the impugned order. The view taken by the learned Single Judge for dismissing the writ petition cannot be said to be illegal or perverse warranting interference in appeal. We are unable to appreciate the arguments of Mr. Bapat that the respondent who is the landlord could have been compensated by payment of costs. In view of the above, we do not find merit in the appeal. Hence, the appeal is dismissed.

Judge **Judge**

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